

Response: Table 2-1 of the EA outlined the types of businesses being considered for location at the DRSP, as well as the resources that would be required should full build out occur. The text of the EA has been revised on page 4 to clarify the purpose of the table.

Comment 6: The State would want the opportunity to participate in the selection process related to siting of business at the DRSP.

Response: The state of Nevada is represented on the NTSDC Board of Directors that participates in the NTSDC project siting decisions.

Comment 7: Please clarify which proposed business might require "minimal additional infrastructure support" and which might require "additional infrastructure support."

Response: The text in the final EA on page 43 has been further clarified to explain that initial DRSP tenants could be served through the current infrastructure using utility connections from existing main lines (water and power), while subsequent development could require upgrades to the main water and power distribution systems.

Comment 8: State officials are concerned about potential resource impact on Nevada Test Site (NTS) mission activities, including unknown effects on long-term environmental restoration and monitoring programs.

Response: DOE/NV acknowledges the state's concerns. The Nevada Test Site Resource Management Plan outlines the policy and resource management strategies that will be followed by DOE/NV for activities at the NTS. The RMP defines the role of DOE/NV and its goal to minimize the impacts to overall resources at the NTS.

The DOE/HQ Environmental Management Program mission will be completed within 10 years. In light of the time line, the environmental management program would be drawing to a close as privatization activities peaked. These privatization activities could also help to offset potential downsizing that would result from the end of the environmental restoration project. The long-term monitoring activities will continue as regulatory programs and DOE policy mandate, and would not be affected by DRSP activities.

Comment 9: Specifically, there are significant uncertainties existing about subsurface radiological contamination in conjunction with groundwater flow in Frenchman Flat. Setting aside historical peak water use rates, the proposed industrial park would, in part, use water pumped from beneath Frenchman Flat. Given this situation, if monitoring activities demonstrate an association between movement of groundwater contamination beneath groundwater Frenchman Flat and the border of NTS, State regulatory agencies could impose certain containment strategies that might alter water use in the region. The Final EA should acknowledge this uncertainty.

Response: Historical water use is a factor in water resources evaluations and cannot be ignored. A statement has been added to page 28 in the final EA to acknowledge the uncertainty associated with groundwater containment strategies imposed by regulation.

Comment 10: *Which groundwater modeling procedures were utilized in assessing DRSP draw-down estimates?*

Response: Based upon the quantity of groundwater withdrawals anticipated, the limited number of water wells, and the quantity of groundwater currently and historically withdrawn, modeling was not deemed necessary for this analysis. Additionally, analytical modeling was performed by the Bureau of Health Protection Services (BHPS) for Safe Drinking Water Act (SDWA) implementation and also by DOE/NV for preparation of the NTS EIS (DOE, 1996), as described in response to comments 11 and 13. In accordance with the provisions in Nevada Revised Statutes 533.370 and .371, a comparison of the perennial yield to projected maximum pumpage in the basin indicated that adequate water resources are available to supply the DRSP, without adverse effects on senior water users. In the basins where the water would be withdrawn, DOE/NV is the only well owner of record.

Comment 11: *Was the regional groundwater model used in calculating DRSP drawdown estimates?*

Response: No, the regional groundwater model is not an appropriate model to determine drawdown associated with pumping wells. Analytical modeling performed in support of the state's implementation of the SDWA Well Head Protection Program, conducted by the BHPS, identified the capture zones (three dimensional portrayal of drawdown) associated with the proposed water supply wells. Capture zones associated with Army Well 1 and the supply wells in Frenchman Flat did not intersect any existing wells; thus no other water wells would be affected by drawdown.

Comment 12: *Finally, what is the contaminant status of the existing military well at the lower SW corner of the DRSP?*

Response: Army Well-1, located southwest of the DRSP, is not contaminated. The well is one of five wells that supplies the Mercury potable water system and surrounding areas including areas 5 and 6. Additionally, pursuant to state regulations, the BHPS conducts sanitation surveys of the potable wells as well as water sampling for a full suite of analytes, including radioactive constituents. To date these analytical results have been well below the SDWA regulatory action levels.

Comment 13: *The EA should address the relationship between existing and projected NTS water withdrawal rates, the 430 acre feet per year currently being requested for construction of Yucca Mountain, the ever-expanding water needs of Nye County and Amargosa Valley, and the DRSP 500 acre feet estimate.*

Response: The maximum water withdrawal rates for Frenchman Flat used in the analysis of Alternative 3 of the NTS EIS (DOE, 1996), ranged from 4,000 acre-feet per year to 16,000 acre-feet per year. The maximum rate of 16,000 acre-feet per year bounds the potential cumulative pumping rates that would occur if the NTS returned to its historic peak pumping rate, plus the proposed 500 acre-feet per year for the DRSP. The withdrawals for Yucca Mountain would originate from Well J-13, which is located in a different hydrographic basin, as are referenced water withdrawals of Nye County and Amargosa Valley.

Comment 14: In addition, there is an existing question pertinent to this matter resulting from the Nevada Attorney General's litigation of the land status at NTS. The settlement agreement that emanated from the lawsuit required DOE to engage in a dialog with the Department of Interior (DOI) to determine whether DOE can retain exclusive jurisdiction and control over the land at NTS, including rights to groundwater.

Response: The consultation between DOE and DOI is ongoing. Upon completion, and in accordance with its commitment, the DOE will convey the results of its discussions to the state. While there are certain groundwater rights associated with land withdrawals under the doctrine of federally reserved water rights it should be noted that this issue was not specifically identified in the reference settlement agreement in conjunction with the commitment to consult.

Comment 15: The EA should present a siting schedule for potential business and explain how DOE is "mandated" to assist the business.

Response: Businesses at the DRSP would be sited as they are identified and permitted. Page 2 of the EA describes the Congressional directive for off-setting the effects on local communities from downsizing of defense-related activities.

Comment 16: Does this mean the mitigation of biological impacts will be financed using such "fees" or that the fees will substitute for mitigation?

Response: The fees paid in accordance with the Endangered Species Act are used to fund tortoise habitat mitigation activities.

Comment 17: Will the pre-activity surveys, and pedestrian surveys be completed before or after the issuance of the final EA or Record of Decision (ROD)?

Response: All surveys associated with DRSP would be conducted after the issuance of the Finding of No Significant Impact (FONSI), the completion of the NEPA process, and the subsequent General Use Permit. All surveys would be conducted by appropriately qualified personnel.

Comment 18: *The EA should indicate time frames for the surveys and who would be involved in the survey work and should summarize requirements of the NTS Programmatic Biological Opinion as it relates to the DRSP.*

Response: Refer to the previous response. The NTS programmatic Biological Opinion is summarized in the EA on pages 30-32.

Comment 19: *Do these areas comprise the total area of the DRSP that would be located outside Area 22? What, if any differences will exist in relation to infrastructure and improvement needs between areas 22 and 23?*

Response: The total area of DRSP is delineated in the Figure 3-2, including the portion of the DRSP that would be located in Area 23. The DRSP activities located in Area 23 of the NTS would not require infrastructure improvements associated with the development of the DRSP.

Comment 20: *The EA should include an analysis of relevant statutory authorities as they pertain to potential land-use conflicts; we would argue that inclusion of this information is necessary to support an informed decision making process.*

Response: The relevant statutory authorities and potential land use impacts were previously evaluated in the NTS EIS (DOE, 1996). The evaluations were considered in developing and implementing the ROD.

Comment 21: *Page 19, Section 3.2, Lines 15 through 32 - The EA notes that the Desert Rock Airpark (DRA) is available for use by "federal organizations, national laboratories, and companies having contracts with the federal government or DOE contractors." Does this mean that all potential DRSP businesses will fit into one of these categories or that none (or few) of the DRSP businesses will have access to the DRA?*

Response: Potential DRSP businesses would have access to the DRA on an as-needed basis with appropriate screening and coordination with DOE/NV Site Operations Division.

Comment 22: *The EA correctly states that the DRA "must maintain the capability of landing aircraft with damaged weapons, including nuclear warheads." Activities at DRA are cited as being currently "sporadic with surge periods of significantly increased activity." What, if any, safety planning for these periods of "significantly increased activity" has been done in relation to the commercial entities that will be sited at DRSP? This would appear to pose a potentially significant conflict for commercial users at the DRSP.*

Response: Businesses and facilities would be appropriately screened to ensure compatibility with proximity to DRA, commensurate with required airfield safety setback distances and requirements. Additionally, the "surge periods of activity" are in relation to

the current minimal operations. Appropriate airfield operations are, and will continue to be implemented based on activity levels at the DRA. The text in the final EA has been revised on page 17 to clarify that "the surge periods of significantly increased activity" is in relation to the current minimal level of operations.

Comment 23: Would no-cost service such as these be a part of the General Use permit to NTSDC "to develop, operate and maintain a commercial/industrial park at the NTS? Would emergency services including law enforcement, fire protection and emergency medical services be provided at no cost to tenants of DRSP? Would water distribution, wastewater management, electrical and communication service be provided at no cost to tenants? If so, what would be the total cost to taxpayers?

Response: All DRSP activities would operate on full cost recovery basis including any support that may be supplied to DRSP. There would be no cost to the taxpayers.

Comment 24: This issue should be clearly addressed in the EA and should be provided as part of a total cost-benefit analysis for the DRSP.

Response: Refer to the previous response. Tenants at DRSP would be charged for such services through a full cost recovery system. Thus, infrastructure support activities would not burden the taxpayer and would bring administrative and technical jobs to the NTS. The DRSP activities could also improve the economic status of Nye and Clark Counties.

Comment 25: In terms of transportation impacts, does this estimate include potential legal and heavy-haul truck traffic into NTS and Yucca Mountain, both from expanded truck volumes if the NTS is elected as a regional storage facility, and from truck volumes related to the proposed Yucca Mountain site?

Response: The transportation activities associated with DRSP are not related to the proposed activities at Yucca Mountain (i.e., heavy haul and legal weight truck traffic to the proposed repository). Transportation activities that would occur should the NTS be identified as an interim storage facility have not been evaluated, because such an action is speculative at this time. The incremental contribution of DRSP transportation activities to local and regional cumulative effects is minor. The impacts from transportation activities associated with the proposed repository are addressed in the "Draft Environmental Impact Statement for a Geologic Repository for the Disposal Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada" July 1999."

Comment 26: Would waste streams generated during packaging activities be isolated from NTS waste streams? Since the DRSP is located within the NTS, would NTS waste protocols apply to the commercial tenants?

Response: Hazardous and/or low-level waste streams generated at the DRSP would be isolated and managed separately from NTS waste streams. DRSP hazardous and/or low-

level wastes would be shipped off-site for disposal. The responsibility for managing hazardous and/or low-level waste streams generated at the DRSP would be that of each generator. Thus, the tenants of DRSP would not be required to follow the NTS waste management protocols.

Comment 27: The State will be particularly concerned about any businesses that might import or create LLW or other radioactive wastes in addition to those volumes already produced and stored at the NTS. Such activities would require pre-approval by appropriate State authorities and would be subject to licensing and regulation by the State Health Division.

Response: Activities at the DRSP that would involve radioactive material operations would obtain applicable permits and/or licenses, and state authorizations required to conduct these types of activities.

Comment 28: Will an additional EA be completed to address transportation, waste handling and temporary waste storage issues related to shipping commercial LLW offsite?

Response: This EA addresses the potential risks and impacts associated with transportation, waste handling, and temporary waste storage at DRSP. Alternative 3 of the NTS EIS (DOE, 1996) and a supplemental transportation analyses performed in 1997 for low-level radioactive material shipments off the NTS, also bounded the quantities of waste and materials that are estimated to be used or generated from the DRSP businesses. Therefore, the DOE/NV concluded that no additional assessments would be required for any of the currently identified activities at the DRSP.

Comment 29: Would there be disposal fees levied on commercial tenants? Would each tenant be required to be individually permitted to dispose of such wastes or would they be covered under the "umbrella" of the NTS permits?

Response: For municipal solid waste, disposal fees would not be levied on DRSP tenants. However, costs for services would be reimbursed through full cost recovery agreements. Permits for NTS solid waste landfills would be modified, if necessary. For hazardous waste, each individual generator would be required to obtain an EPA Identification Number for hazardous waste activities and any other permits required by federal and state regulations. All privatization activities at the DRSP are a separate activity from DOE/NV activities at NTS, and would therefore not be conducted or covered under the "umbrella" of the NTS permits.

Comment 30: The EA should clearly indicate the estimated volume of hazardous waste to be generated at the DRSP and how the DRSP volumes were factored into the NTS EIS.

Response: The waste volumes analyzed under Alternative 3 in the NTS EIS (DOE, 1996) bounded the estimated waste volumes that would result from the proposed activities at the

DRSP. Text in the final EA has been revised to clarify the estimated waste volumes on page 4.

Comment 31: Additionally, if "all hazardous waste management activities at the DRSP would be the responsibility of the individual tenants," why were the volumes factored in the NTS EIS? Would tenants each have to apply for hazardous waste handling and shipping permits or would they operate under the umbrella of existing NTS permits? Where would the waste be stored during "staging" for shipment? Would tenants likely be storing such wastes at the NTS or shipping offsite?

Response: The volume of waste estimated and evaluated in the NTS EIS was assumed to originate within the boundaries of the NTS, and is not generator specific. The purpose of an environmental review is to determine potential impacts to the environment that will result from a proposed action. Who performs the action is not a factor in determining the effects. Thus, the DRSP waste volume was not "factored into" the EIS analysis. The NTS EIS (DOE, 1996) performed an analyses of risks and other effects of handling such waste types and volumes within the boundaries of the NTS, regardless of generator. This EA quantified and evaluated those risks, and compared them to analyses presented in the NTS EIS (DOE, 1996), as described in Chapter 4 of this EA.

As previously noted, all tenants would be responsible for obtaining their own EPA identification number and any permits required for their specific operations. These activities would be conducted by each individual business. Therefore, activities at DRSP **would not** be under the authority of the DOE/NV NTS permits.

Staging and storage activities that occur prior to shipment would occur at the DRSP and be the responsibility of each individual generator, in accordance with the applicable state and federal requirements. All hazardous and/or low-level radioactive waste generated at the DRSP would be shipped off-site for disposal.

Comment 32: What is the potential that businesses producing waste containing both radioactive elements and other hazardous material will be located at the DRSP? The final EA should address the possibility of production and disposition of mixed waste at the DRSP, including the regulatory and oversight regime that would be required.

Response: The likelihood of generating a mixed waste at DRSP is minimal and it has been further clarified in the EA on page 30. The Nevada Division of Environmental Protection and the BHPS are responsible for the regulation and oversight of private sector-generated mixed waste management.

Comment 33: Given the fact that the CRO does not know (or, at least, does not state in the EA) which specific commercial business or types of business will be located at the DRSP, on what basis were these assumptions made?

Response: Table 2-1 of the EA that identifies the types of business that have expressed interest in locating at the DRSP. These businesses completed an information package, including an operational questionnaire, to determine the resources that would be required for operation. These data were used for the analysis in this EA.

Comment 34: The EA states that scoping for this document was conducted internally and externally. One public scoping meeting was held in Pahrump. "Preliminary scoping was accomplished through DOE/NV Site Use and Development Board and Working Group." Notice was given to the members of the Five-Party Agreement on July 22, 1999, to introduce and identify issues and concerns associated with the proposed action. The EA notes that "the group did not identify any issues or concerns." While these activities may or may not fit the letter of the law, the limited time frame involved (July 22nd for a document to be released in October, 1999) may not necessarily conform with the intent of the law related to scoping.

Response: Comment noted.

Comment 35: Does this mean that the NTSDC will retain approval authority for new business development in the industrial park? What role, if any, would the Site Use and Development Board and Working Group have in the decision process for siting or approving industrial facilities in the park?

Response: The final decision maker for siting activities at the NTS is DOE/NV Manager. Therefore, business or other activities planned for the DRSP would follow the established siting procedures of DOE/NV. These procedures include a review of planned activities by the Site Use and Development Board Working Group, followed by a formal meeting and review with the Site Use and Development Board and final action in the DOE/NV Manager's office for final approval.

Comment 36: State agencies and officials would view any action that might undermine that policy to be contrary to public interest. This would include siting industrial activities in direct support of DOE's high-level waste program. The State is also concerned about any businesses importing or creating additional radioactive wastes (i.e. LLW, mixed waste, etc.) and would want the opportunity to review any such proposed activities prior to locating such businesses at the DRSP.

Response: DOE/NV acknowledges the state's concerns for planned activities at the Yucca Mountain site presently being proposed by DOE Office of Civilian Radioactive Waste (DOE/OCRWM). These concerns are carried over to low level radioactive and mixed wastes activities that may be conducted in the state by DOE or private companies and are acknowledged as well. As noted previously, the state of Nevada has representation on the NTSDC Board of Directors, allowing it to review all business development opportunities being considered for location at the NTS.

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